



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 25, 2008

CENAO-REG  
NAO-2008-00614-PRK

## PUBLIC NOTICE

The District Commander has received a permit application for work described below:

### APPLICANT

Virginia Seafood Council (VSC)

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Chesapeake Bay and coastal waters of Virginia at 13 industry Field sites.

PROPOSED WORK AND PURPOSE: The applicant proposes to introduce 1.3 million triploid Suminoe Oysters (*Crassostrea ariakensis*) to be raised by up to 13 participants using a variety of aquaculture grow-out methods consisting of off-bottom oyster cages, bags on racks, long-line bags and floats. Floating upweller systems (FLUPSYs) will once again be used to shorten the oyster grow-out to deployment time. Each approved industry participant will receive 100,000 genetic triploid *C. ariakensis* to be grown on their private leases. The purpose of the project is to maintain established markets, determine shelf life of shucked product, and certify 10,000 putative triploid spat to determine the number of incidental diploids.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments

are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). An EFH assessment was prepared for the 2006-2007 project currently in the water. Our assessment of this project and the National Marine Fisheries Service determination of the 2006 - 2007 VSC project leads us to a preliminary determination that this project, like the prior VSC project, will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. All EFH recommendations provided by the NMFS for the 06-07 project will be incorporated in any permit issued to the applicant for this project. Based on comments from the NMFS in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO- REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 25, 2008.

If you have any questions about this project or the permit process, please call:  
Peter Kube at 757 201-7504.

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn  
Chief, Western Virginia  
Regulatory Section

Attachment: Drawings

